

SUPREME COURT OF WISCONSIN
OFFICE OF LAWYER REGULATION

Public Reprimand With Consent

2006-OLR-10

WILLIAM F. MROSS
Attorney at Law

The Respondent, William F. Mross, 56, practices in Racine, Wisconsin. This reprimand is based on the following conduct.

An attorney filed a grievance against Attorney Mross relating to Attorney Mross' conduct with regard to two clients. In each case, the clients subsequently came to this attorney for assistance.

The first clients, Mr. and Mrs. P, became defendants in a mortgage foreclosure. Soon after the foreclosure company filed the action, K.A. contacted Mr. and Mrs. P to offer his services. K.A. is not licensed to practice law. He is in the business of providing assistance to debtors. Mr. and Mrs. P contracted with K.A., paying him \$600 in two \$300 installments, to obtain help with the foreclosure action and with their negotiations with the mortgage company.

Because the time for filing an answer was approaching, K.A., on his own initiative and without informing Mr. and Mrs. P, referred the matter to Attorney Mross for the purpose of entering an appearance. K.A. paid Attorney Mross \$100 for this service. K.A. notified Mr. and Mrs. P that Attorney Mross had entered an appearance and instructed them to communicate with K.A., and not with Attorney Mross.

Attorney Mross entered an appearance on behalf of Mr. and Mrs. P, but took no other action in the case. Attorney Mross did not consult with the clients about whether they desired

him to be their attorney, did not inform the clients that he was paid by K.A., did not file an answer, did not respond to the mortgage company's motion for judgment, neither negotiated with the mortgage company nor advised Mr. and Mrs. P regarding those negotiations, did not consult with his clients regarding whether to file an answer or whether to respond to the motion for judgment, did not inform his clients that a judgment had been entered, and did not provide any assistance or advice beyond filing the notice of appearance. He had no communication with Mr. and Mrs. P.

By failing to provide information to Mr. and Mrs. P regarding his actions in the foreclosure case, including the fact that he was their lawyer, that he was entering an appearance as their lawyer in the foreclosure case, that a default motion had been filed, that he intended to take no action in response, and that the motion had been granted, Attorney Mross failed to keep his clients reasonably informed in violation of SCR 20:1.4(a) and failed to explain matters to the extent reasonably necessary to permit the clients to make informed decisions in violation of SCR 20:1.4(b).

By failing to take any action to defend Mr. and Mrs. P in the foreclosure action filed against them, or to negotiate reinstatement of their mortgage, Attorney Mross violated SCR 20:1.3.

By accepting compensation from K. A. for representation of Mr. and Mrs. P in their foreclosure case without their consultation or consent, Attorney Mross violated SCR 20:1.8(f).

The second client, J.E., had fallen behind on his mortgage payments. His bank filed for foreclosure. After receiving the summons and complaint, J.E. received a solicitation letter from K.A. J.E. mistakenly believed that K.A. was an attorney, and paid K.A. \$390 to assist him.

K.A. attempted to negotiate with J.E.'s bank, but was unsuccessful. K.A. then referred the matter to Attorney Mross and paid Attorney Mross \$200. K.A. instructed J.E. to call Attorney Mross. J.E. spoke with Attorney Mross for 30 to 45 minutes about the case, and had no further contact with Attorney Mross. Attorney Mross did not discuss with J.E. whether he wished Attorney Mross to be his attorney, and did not consult with J.E. about the fact that K.A. was paying Attorney Mross' fee. Subsequently, J.E. asked K.A. why he needed Attorney Mross if K.A. was going to keep him out of court. K.A. responded that this was what needed to be done.

Attorney Mross filed an answer in the foreclosure case, for which he received \$200 from K.A. Attorney Mross did not consult with J.E. regarding filing the answer or responding to the bank's motion for summary judgment. Instead, Attorney Mross notified the court that J.E. would not be appearing and would acquiesce in the judgment. Attorney Mross failed to notify J.E. about the judgment. J.E. learned about the sheriff's sale from a friend.

By failing to provide information to J.E. regarding the fact that he was J.E.'s lawyer, that he filed an answer in the foreclosure case, that summary judgment had been granted, and that a sheriff's sale had been noticed, Attorney Mross failed to keep his client reasonably informed in violation of SCR 20:1.4(a) and failed to explain matters to the extent reasonably necessary to permit the client to make informed decisions in violation of SCR 20:1.4(b).

By accepting compensation from K.A. for representation of J.E. in his foreclosure case without his consultation or consent, Attorney Mross violated SCR 20: 1.8(f).

In 2003, Attorney Mross was suspended for 90 days for violating Supreme Court Rule 20:8.4(b), committing a crime that reflects adversely upon his fitness to practice. Attorney Mross unlawfully sold cigarettes to jail inmates. In 2004, Attorney Mross received a private

reprimand for violating Supreme Court Rules 20:1.1 Competence, and 20:1.4 Communication in another foreclosure matter. That reprimand included conditions that Attorney Mross attend continuing legal education in law office management and legal ethics. Attorney Mross satisfied these conditions.

In accordance with SCR 22.09(3), Attorney Mross is hereby publicly reprimanded.

Dated this 13th day of September, 2006.

SUPREME COURT OF WISCONSIN

/s/ Richard C. Ninneman
Referee Richard C. Ninneman